

REMARKS

Claims 1-46 are pending in the application. Claims 15, 36 and 43-46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-8, 11-13, 15, 21-29, 32-34, 36 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn et al. in view of Willen et al. Claims 16, 17, 37 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Willen as applied to claim 1, and further in view of Blythe et al. Claims 43-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Willen as applied to claim 22, and further in view of Applicant Admitted Prior Art (AAPA). Claims 9, 10, 14, 18-20, 30, 31, 35 and 39-41 were objected to as being dependent on a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of a base claim and any intervening claims. Claims 1, 2, 15, 22, 23 and 36 have been amended. Reexamination and reconsideration of the application in view of the amendments and following remarks is respectfully requested.

Claims 15, 36 and 43-46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claims 43-46 were found to be unclear because it was uncertain whether the claims were independent or dependent claims. In claims 15 and 36, line 4, it was not clear whether “priority flag resources” refers to “one or more priority flags” in line 2.

Applicants submit that claims 43-46, although in an unconventional form, are proper dependent claims. Under 37 C.F.R. §1.75(c), a dependent claim must further limit another claim. Claim 43, for example, further limits the machine readable medium of claim 22 by limiting the machine readable medium to its inclusion within a particular apparatus, a Host Bus Adapter. In a similar manner, claim 44 further limits claim 43, and claim 45 further limits claim 44. Furthermore, the undersigned attorney has successfully prosecuted this dependent claim form numerous times in the past. Accordingly, it is respectfully submitted that the rejection of claims 43-46 under 35 U.S.C. §112, second paragraph has been traversed.

Claims 15 and 36 have been amended to more clearly recite that the “priority flag resources” refer to the “one or more priority flags” that are created as defined resources.

Accordingly, it is respectfully submitted that the rejection of claims 15 and 36 under 35 U.S.C. §112, second paragraph has been overcome.

Claims 1-8, 11-13, 15, 21-29, 32-34, 36 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Willen. Claims 1, 2, 22 and 23 have been amended. With the amendments to claims 1, 2, 22 and 23, it is respectfully submitted that these rejections have been overcome.

In particular, claims 1 and 22 have been amended to recite “identifying *one or more higher priority task paths and one or more lower priority task paths*, each of the paths having a *plurality of tasks in series*,” and “in a task priority order determined *in accordance with the higher priority task paths and the lower priority task paths*, comparing the prerequisites for a particular task against . . . a current state of the defined resources until a task is identified for which . . . the prerequisites for the identified task are currently available.” (Emphasis added.)

Flynn fails to disclose, teach or suggest “identifying one or more higher priority task paths and one or more lower priority task paths, each of the paths having a plurality of tasks in series” or “in a task priority order determined in accordance with the higher priority task paths and the lower priority task paths, comparing the prerequisites for a particular task against . . . a current state of the defined resources until a task is identified for which . . . the prerequisites for the identified task are currently available” as recited in claims 1 and 22. Flynn discloses only a single buffer of prioritized commands (see FIG. 2a blocks 51 and 52, FIG. 3 blocks 115, 113 and 117, and related text), and does not disclose (1) separate higher priority task paths and lower priority task paths, (2) a series of tasks in those paths, or (3) comparing task prerequisites to available resources in a task priority order determined in accordance with the two paths.

Willen fails to make up for the deficiencies of Flynn. Willen also fails to disclose, teach or suggest “identifying one or more higher priority task paths and one or more lower priority task paths, each of the paths having a plurality of tasks in series” or “in a task priority order determined in accordance with the higher priority task paths and the lower priority task paths, comparing the prerequisites for a particular task against . . . a current state of the defined resources until a task is

identified for which . . . the prerequisites for the identified task are currently available” as recited in claims 1 and 22. Willen only discloses the scheduling or processes or tasks by first assigning the tasks to classes, and then assigning priority within the classes.

Because neither Flynn nor Willen, alone or in combination, discloses, teaches or suggests all of the limitations of amended claims 1 and 22, it is respectfully submitted that the rejection of those claims has been overcome. In addition, because claims 2-8, 11-13, 15 and 21 depend from claim 1, and claims 23-29, 32-34, 36 and 42 depend from claim 22, the rejection of those claims has been overcome for the same reasons provided above with respect to claims 1 and 22.

Claims 16, 17, 37 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Willen as applied to claim 1, and further in view of Blythe. With the previously described amendments to claims 1 and 22, it is respectfully submitted that this rejection has been overcome.

Claims 16 and 17 depend from claim 1, and claims 37 and 38 depend from claim 22. As demonstrated above, neither Flynn nor Willen, alone or in combination, discloses all of the limitations of claims 1 and 22. Furthermore, Blythe fails to make up for the deficiencies of Flynn and Willen. Although Blythe discloses parallel runnable pools (see FIG. 1 elements 135, 140 and 145), these pools do not contain higher and lower priority threads or a task order based on higher priority pools and lower priority pools.

Because neither Flynn nor Willen nor Blythe, alone or in combination, discloses, teaches or suggests all of the limitations of claims 16, 17, 37 and 38, it is respectfully submitted that the rejection of those claims has been overcome.

Claims 43-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Willen as applied to claim 22, and further in view of Applicant Admitted Prior Art (AAPA). With the previously described amendment to claim 22, it is respectfully submitted that this rejection has been overcome. Claims 43-46 depend from claim 22. As demonstrated above, neither Flynn nor Willen, alone or in combination, discloses, teaches or

suggests all of the limitations of claim 22. Furthermore, the AAPA fails to make up for the deficiencies of Flynn and Willen. In particular, the AAPA fails to disclose, teach or suggest comparing task prerequisites to available resources in a task priority order determined in accordance with the higher and lower priority task paths.

Because neither Flynn nor Willen nor AAPA, alone or in combination, discloses, teaches or suggests all of the limitations of claims 43-46, it is respectfully submitted that the rejection of those claims has been overcome.

Claims 9, 10, 14, 18-20, 30, 31, 35 and 39-41 were objected to as being dependent on a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of a base claim and any intervening claims. Amended claims 1 and 22 are now allowable, as demonstrated above. Because claims 9, 10, 14 and 18-20 depend from claim 1, and claims 30, 31, 35 and 39-41 depend from claim 22, it is respectfully submitted that this objection has been rendered moot.

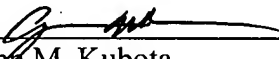
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 491442003100.

Dated: May 4, 2007

Respectfully submitted,

By 
Glenn M. Kubota
Registration No.: 44,197
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200